

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>URB, INC.</b>	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>Civil Action No. 08 C 582</b>
	)	
<b>STARTREHAB, INC., ROBERT</b>	)	
<b>BINGHAM and GREGORY BINGHAM,</b>	)	<b>Judge Joan B. Gottschall</b>
<b>Individually,</b>	)	
<b>Defendants.</b>	)	<b>Magistrate Judge Geraldine Soat Brown</b>
<hr style="width: 30%; margin-left: 0;"/>	)	
	)	
<b>PIONEER SERVICES, LLC and</b>	)	
<b>7303 INCORPORATED</b>	)	
<b>d/b/a START REHAB, INC.</b>	)	
<b>Third party plaintiffs,</b>	)	
<b>v.</b>	)	
	)	
<b>URB, INC., XEZ, INC., and</b>	)	
<b>ANTHONY URBANOWSKI,</b>	)	
<b>Third party defendants.</b>	)	

**MOTION OF DEFENDANT STARTREHAB, INC. FOR LEAVE OF COURT  
TO WITHDRAW COUNTERCLAIM AND TO FILE IN LIEU OF WITHDRAWN  
COUNTERCLAIM THIRD PARTY CLAIM ON BEHALF OF ITSELF AND OF  
RELATED PARTIES AGAINST PLAINTIFF AND PARTIES RELATED TO  
PLAINTIFF**

Defendant, StartRehab, Inc., actually 7303 Incorporated d/b/a StartRehab, Inc. ("StartRehab") by its counsel, Catherine Simmons-Gill, Offices of Catherine Simmons-Gill, LLC, respectfully seeks leave of this Court to withdraw the counterclaim filed in this matter on Thursday, April 3, 2008 (Docket #16) and to file in its place a Third Party Claim on its behalf and on behalf of parties related to it against plaintiff and parties related to plaintiff and in support of its motion, state as follows:

1. On April 3, 2008, all defendants to the original action filed answers to the complaint.

2. Also on April 3, 2008, one of the defendants, StartRehab filed a document incorrectly titled “counterclaim,” on its own behalf and on behalf of certain related third party claimants against plaintiff and other third party defendants, all other third party defendants related to the original plaintiff, Urb, Inc.

3. This motion seeks to rectify the improper filing by filing a properly titled and pled third party claim, a copy of which proposed third party claim appears as Exhibit 1 to this Motion.

WHEREFORE, defendant StartRehab respectfully request this Honorable Court for leave to withdraw the Counterclaim filed on April 3, 2008, to file in place thereof the Third Party Claim, a copy of which is attached as Exhibit 1 hereto and for any other such and further relief as this Honorable Court deems just and appropriate.

Respectfully Submitted,

April 7, 2008

By: s/Catherine Simmons-Gill  
Defendants’ Attorney

Catherine Simmons-Gill, Esq.  
Offices of Catherine Simmons-Gill  
221 North LaSalle Street  
Suite 2036  
Chicago, IL 60601  
Tel: 312 609 6611  
ARDC Number 2159058